

Staff Report



Zoning Case SUP10-20 (A/C Storage)

City Council Meeting Date: 10-19-10

Document Being Considered: Ordinance

RECOMMENDATION

Approve an ordinance changing the zoning classification on certain property known as 6005 Poly Webb Road by the approval of Zoning Case SUP10-20 for mini-warehouses.

PRIOR BOARD OR COUNCIL ACTION

On August 18, 2010, the Planning and Zoning Commission recommended approval by a 5-4-0 vote.

On October 12, 2010, City Council approved first reading by a 5-3-1 vote subject to the following stipulations:

1. The hours of operation shall be from 7:00 a.m. to 10:00 p.m.; and
2. An on-site attendant is required from the hours of 8:00 a.m. to 5:00 p.m.

REQUEST

The applicant requests approval of a Specific Use Permit (SUP) for mini-warehouses on a .58-acre tract of land zoned "CS" (Community Service), addressed at 6005 Poly Webb Road; generally located west of Little Road and north of Poly Webb Road.

ANALYSIS

The site is currently developed with a retail center and approximately 100,000 square feet of leasable space. The applicant is proposing to convert 26,000 square feet into mini-warehouses. According to the zoning ordinance, mini-warehouses are permitted in the "CS" zoning district with an SUP, provided that the doors for the storage units are screened from the view of public streets and adjacent properties. All doors and entrances into the individual storage units will be internal to the building and accessed through a single main entrance, which is proposed on the west side of the building. The mini-warehouses will be comprised of storage units that range from 50 to 200 square feet.

The West Sector Plan designates the subject site as "Community Retail", which supports "O" (Office) and "CS" zoning. This designation is intended to provide a wide range of retail uses and some office development. The proposed mini-warehouse is not consistent with other uses such as retail or personal service uses that are typically located in community retail centers. A mini-warehouse does not generate the traffic patterns that are needed to support such a large retail development. The establishment of a mini-warehouse could perpetuate additional incompatible uses and detract from the character of the retail center. However, the location of the mini-warehouse does not occupy the front portion of the retail center and has limited visibility. In addition, the mini-warehouse is not expected to be more obtrusive than the existing RV and boat storage facility located directly north of the site.

The proposed location for the mini-warehouse use is not consistent with the existing or future development patterns in the area and is not in conformance with the West Sector Plan.

FINANCIAL IMPACT

None

ADDITIONAL INFORMATION

Attached:

Ordinance with Exhibits A and B
SUP10-20 Site Plan
Case Information with P&Z Summary
None
None

Under separate cover:
Available in the City Secretary's office:

STAFF CONTACTS

Gincy Thoppil, AICP
Interim Planning Manager
Community Development and Planning
817-459-6662
Gincy.Thoppil@arlingtontx.gov

Douglas Cooper
Planner
Community Development and Planning
817-459-6515
Douglas.Cooper@arlingtontx.gov

Ordinance No. _____

An ordinance changing the zoning classification on certain property known as 6005 Poly Webb Road by the approval of specific use permit SUP10-20 for mini-warehouses; amending the Zoning District Map accordingly; authorizing the building official to issue permits upon the effective date; providing for a fine of up to \$2,000.00 for each violation; providing this ordinance be cumulative; and providing for severability, governmental immunity, injunctions, publication, and an effective date.

WHEREAS, after notice and public hearing the Planning and Zoning Commission heard case SUP10-20 and recommended approval of the specific use permit on August 18, 2010; and

WHEREAS, after notice and public hearing, and upon consideration of the recommendation of the Commission and of all testimony and information submitted during the public hearing, the City Council has determined that the use will: complement or be compatible with the surrounding uses and community facilities; contribute to, enhance or promote the welfare of the area of the SUP and adjacent properties; not be detrimental to the public health, safety or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the City Council has determined that it is in the best interest of the public and in support of the health, safety, morals, and general welfare of the citizens that the zoning amendment be approved. Now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARLINGTON, TEXAS:

1.

A Specific Use Permit for mini-warehouses is hereby granted for the property known as 6005 Poly Webb Road, described in Exhibit A, and the Zoning District Map shall be amended to reflect the zoning change made by this ordinance. Development and use of the property shall be in compliance with this ordinance, the conditions stated in Exhibit B, and the attached site plan. In the event of a conflict between the provisions in Exhibit B and the provisions in any other exhibit, the provisions in Exhibit B control.

2.

The Building Official is hereby authorized and directed to issue permits in compliance with this ordinance, including all exhibits to this ordinance, immediately after the effective date of this ordinance.

3.

This Specific Use Permit shall expire three years after the date of approval unless a building permit or a Certificate of Occupancy for the specific use has been issued.

4.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand Dollars and No Cents (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

5.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Arlington; and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

6.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

7.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Arlington in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

8.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Arlington in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Arlington.

9.

The caption and penalty of this ordinance shall be published in a newspaper of general circulation in the City of Arlington, Texas, in compliance with the provisions of Article VII, Section 15, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

10.

This ordinance shall become effective upon second publication.

PRESENTED AND GIVEN FIRST READING on the ____ day of _____, 2010, at a regular meeting of the City Council of the City of Arlington, Texas; and GIVEN SECOND READING, passed and approved on the ____ day of _____, 2010, by a vote of ____ ayes and ____ nays at a regular meeting of the City Council of the City of Arlington, Texas.

ROBERT N. CLUCK, Mayor

ATTEST:

MARY W. SUPINO, City Secretary

APPROVED AS TO FORM:
JAY DOEGEY, City Attorney

BY _____

SUP10-20

EXHIBIT "A"

BEING 25,213 square feet of land located in Block 2, Southwest Plaza Addition, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Volume 388-140, Page 41 of the Plat Records of Tarrant County, Texas. Said 25,213 square feet of land being more particularly described by metes and bounds as follows:

BEGINNING at a point located within said Block 2, and said POINT OF BEGINNING being located South 64°11'36" West, 247.40 feet,

THENCE South 25°52'18" East, 62.28 feet, from the northeast corner of said Block 2;

THENCE South 25°52'18" East, 139.27 feet, to a point;

THENCE South 64°07'42" West, 160.00 feet, to a point;

THENCE North 25°52'18" West, 31.80 feet, to a point;

THENCE South 64°07'42" West, 30.04 feet, to a point;

THENCE North 25°52'18" West, 99.17 feet, to a point;

THENCE North 64°07'42" East, 36.00 feet, to a point;

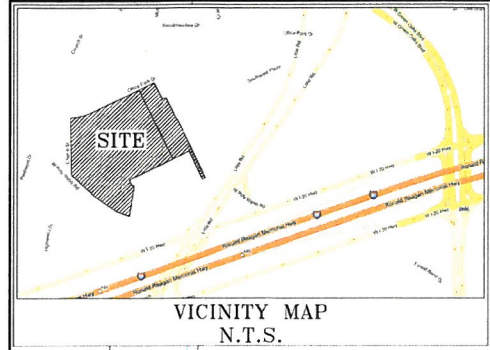
THENCE North 25°52'18" West, 8.30 feet, to a point;

THENCE North 64°07'42" East, 154.04 feet, to the POINT OF BEGINNING containing 25,213 square feet of land;

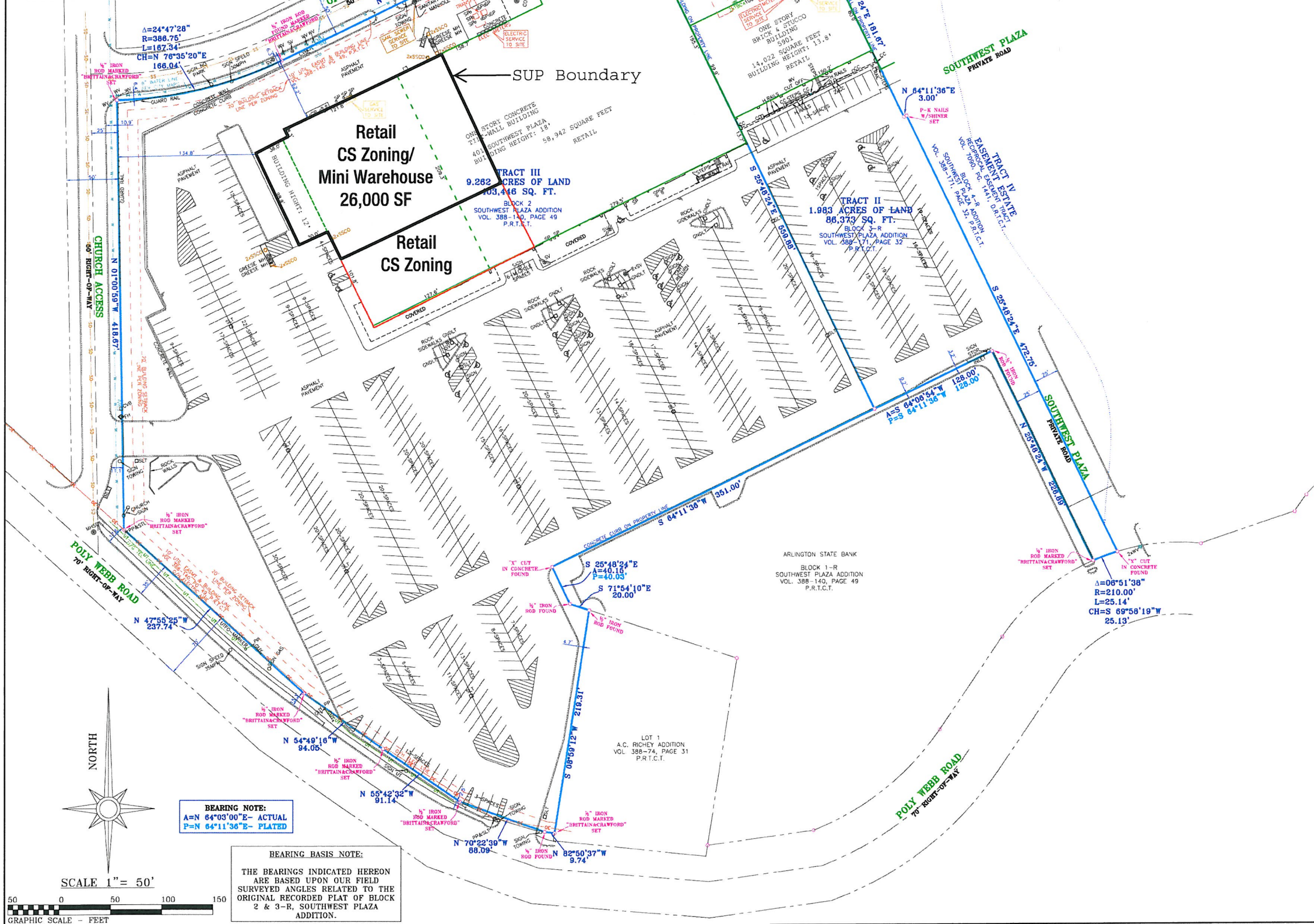
AND being generally located north of Poly Webb Road and west of Little Road with the approximate address being 6005 Poly Webb Road.

SUP10-20
EXHIBIT “B”

1. The zoning of this site is “CS” (Community Service) with a Specific Use Permit for mini-warehouses.
2. The mini-warehouses will occupy approximately 26,000 square feet of the existing building as identified on the site plan.
3. All doors and entrances into the individual storage units shall be located internal to the building and accessed through a single main entrance which is proposed on the west side of the building.
4. The mini-warehouses will be comprised of storage units that range from 50 to 200 square feet in size.
5. The hours of operation shall be from 7:00 a.m. to 10:00 p.m.
6. An on-site attendant is required from the hours of 8:00 a.m. to 5:00 p.m.
7. Use and development of the property must be in compliance with the attached site plan (one page).
8. In the event of a conflict between the provisions in this Exhibit B and any other exhibits to this ordinance, the provisions of Exhibit B control.



VICINITY MAP
N.T.S.



MINI WAREHOUSE LEGAL DESCRIPTION

BEING 25,213 square feet of land located in Block 2, SOUTHWEST PLAZA ADDITION, an addition to the City of Arlington, Tarrant County, Texas, according to the plat recorded in Volume 388-140, Page 41 of the Plat Records of Tarrant County, Texas. Said 25,213 square feet of land being more particularly described by metes and bounds as follows:

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- THENCE S 25° 52' 18" E 139.27 feet, to a point;
- THENCE S 64° 07' 42" W 160.00 feet, to a point;
- THENCE N 25° 52' 18" W 31.80 feet, to a point;
- THENCE S 64° 07' 42" W 30.04 feet, to a point;
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- THENCE N 25° 52' 18" W 8.30 feet, to a point;
- THENCE N 64° 07' 42" E 154.04 feet, to the POINT OF BEGINNING containing 25,213 square feet of land.

TENANTS	SQUARE FEET	PARKING REQ'D.
CATO, Vacant, Apple Ortho, Radio Shack, Sally Beauty	13,500 SF	41 spaces
Office Depot	25,500 SF	77 spaces
Sears Outlet	25,200 SF	76 spaces
OLD Gold's Gym Space 37,000 SF	RETAIL 11,200 SF MINI WAREHOUSE 26,000 SF=500 units man. qtrs, 500 sf	34 spaces 25 spaces 2 spaces
		344 spaces

344 spaces Req'd. 599 existing

CERTIFICATION

TO: SWP Enterprises, LLC; Legacy Texas Bank; and Chicago Title Insurance Company, and their respective successors and/or assigns:

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM and NSPS in 2005, and includes Item 1, 2, 3, 4, 6, 7(a), 7(b)(1), 7(c), 8, 9, 10, 11(a), (for item 11(a) as to utilities and surface matters only), 13, 16, 17 and 18 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA, NSPS and ACSM and in effect on the date of this certification, undersigned further certifies that:

Proper field procedures, instrumentation, and adequate survey personnel were employed in order to achieve results comparable to those outlined in the "Minimum Angle, Distance, and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title Surveys."

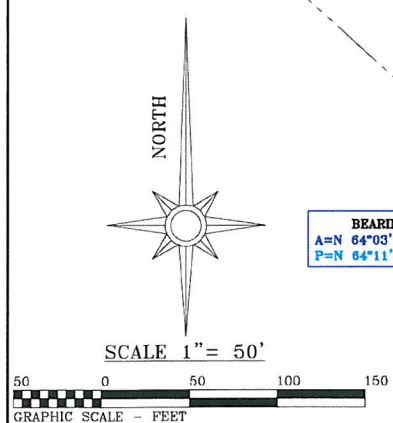
December 9, 2008

JAMES L. BRITTAIN
REGISTERED PROFESSIONAL
LAND SURVEYOR
STATE OF TEXAS NO. 1674



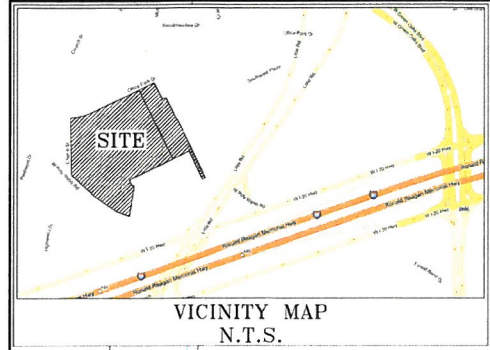
DRAWING REVISED: December 18, 2008
CHANGED CERTIFICATE ADDRESSEES AND ADDED
RECIPROCAL EASEMENT VOLUME & PAGE TO TRACT IV

SUP10-20 Site Plan
Sheet 1 of 1

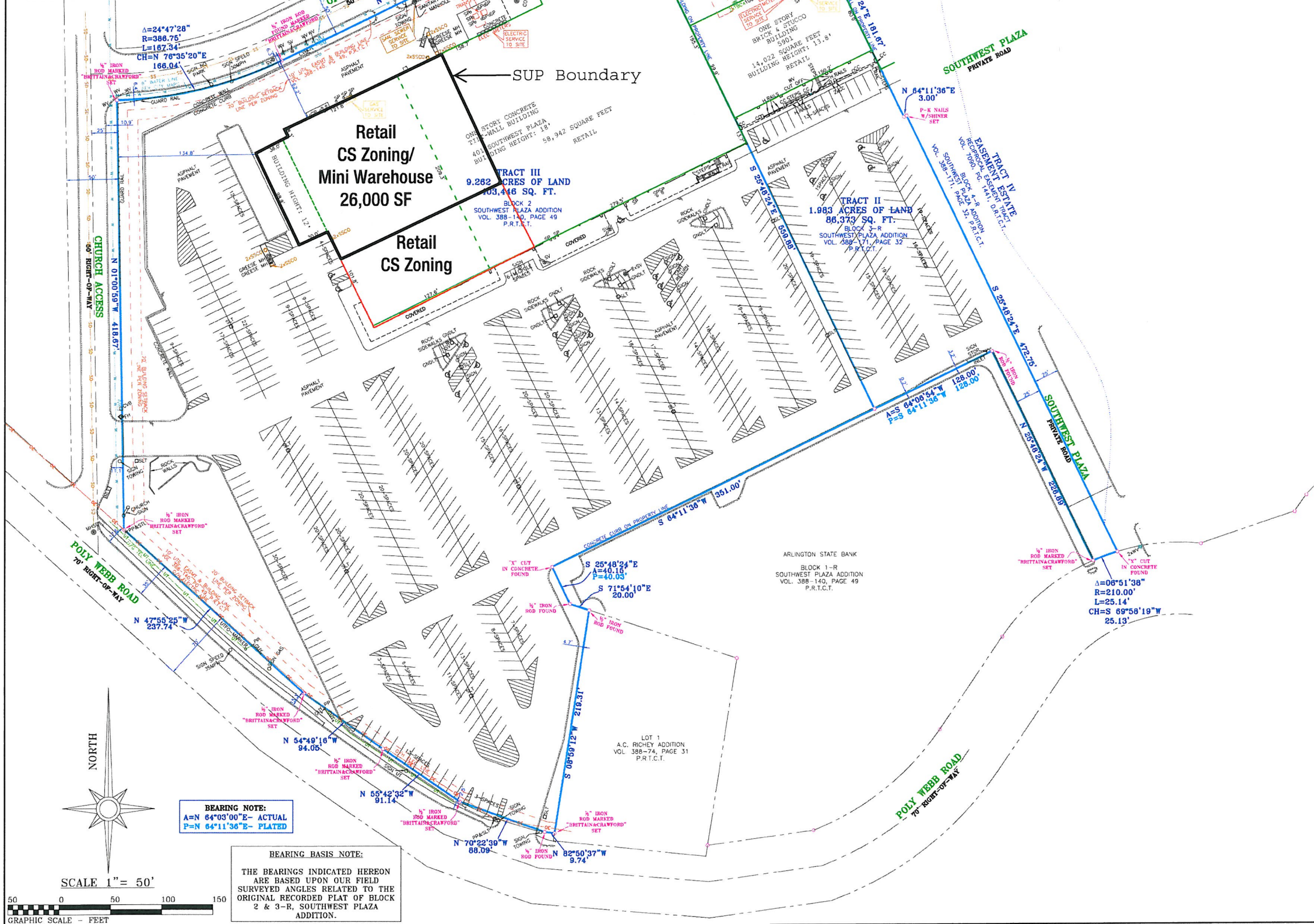


BEARING NOTE:
A=N 64°03'00"E- ACTUAL
P=N 64°11'36"E- PLATED

BEARING BASIS NOTE:
THE BEARINGS INDICATED HEREON
ARE BASED UPON OUR FIELD
SURVEYED ANGLES RELATED TO THE
ORIGINAL RECORDED PLAT OF BLOCK
2 & 3-R, SOUTHWEST PLAZA
ADDITION.



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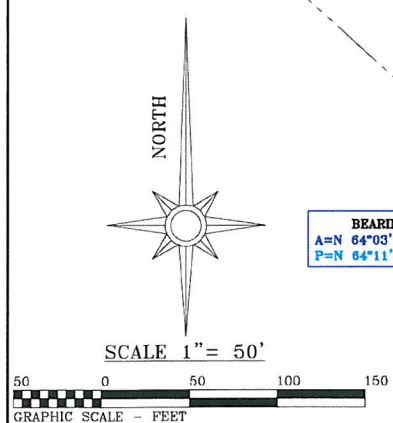
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Sheet 1 of 1



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ARE BASED UPON OUR FIELD
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ORIGINAL RECORDED PLAT OF BLOCK
2 & 3-R, SOUTHWEST PLAZA
ADDITION.

Case Information



Applicant/Owner: Bo Avery with SWP Enterprise, LLC

Sector Plan: West

Council District: 4

Allowable Uses: All uses in "CS" (Community Service) zoning as itemized in Attachment B

Development History: The subject site is currently platted and is commonly known as a portion of Block 2 of the Southwest Plaza Addition.

Previous zoning cases in the general vicinity within the past five years are included in the table below.

Case No	Location	Request	Disposition
SUP09-19	West	SUP for gas drilling	Approved

**Adjacent Zoning/
Land Use:**

Direction	Current Zoning	Current Land Use
North	"PD" for "O"	RV and boat storage
South	"CS"	General office/retail
East	"CS"	Retail
West	"R"	Single family residential

Transportation: The proposed development has access from West Division Street.

Thoroughfare	Existing	Proposed
Poly Webb	Four lane undivided with a 60-foot Right-of-Way	Four lane undivided with a 60-foot Right-of-Way
Church Street	Two lane undivided with a 50-foot Right-of-Way	Two lane undivided with a 50-foot Right-of-Way
Office Park Drive	Two lane undivided with a 50-foot Right-of-Way	Two lane undivided with a 50-foot Right-of-Way

Case Information



Traffic Impact:	The proposed zoning change will generate similar traffic patterns and will not significantly impact the adjacent roadway systems.
Water & Sewer:	Water and sewer services are available to the site.
Drainage:	The site is located within the Rush Creek drainage basin and is not located within the FEMA floodplain. No significant drainage impacts are expected to result from development of this site as long as all relevant city ordinances are complied with.
Fire:	Fire Station Number 7, located at 5601 Ronny Snow Drive, provides protection to this site. The estimated fire response time is 1.89 minutes, which is in keeping with recommended standards.
School District:	This property is located in the jurisdiction of the Arlington Independent School District (AISD). The AISD did not indicate that the proposal will have any impact.
Notices Sent:	
Neighborhood Associations:	Arlington Chamber of Commerce Downtown Development Arlington Neighborhood Council East Arlington Review Southeast Arlington Community Alliance WeCan (West Citizen Action Network) Enchanted Lake Estates HOA Georgetown HOA Hidden Oaks Addition
Property Owners:	4
Letters of Support:	0
Letter of Opposition:	0

PLANNING AND ZONING COMMISSION SUMMARY:

Public Hearing: August 18, 2010

Zoning Case SUP10-20 (A/C Storage – 6005 Poly Webb Road)

Application for approval of a Specific Use Permit for mini-warehouses on approximately 0.58 acres of land zoned “CS” (Community Service); 6005 Poly Webb Road generally located north of Poly Webb Road and west of Little Road

Douglas Cooper, Graduate Planner, presented this case.

Present to go on record in support of this case was Bo Avery, 6005 Poly Webb Road; and Don Avery, 4400 Little Road.

Jeff Pokrifcsak made a motion to deny Zoning Case SUP10-20. Seconded by Andrew Piel, the motion failed by the following vote:

Case Information



AYES: Victor Vandergriff, Jeff Pokrifcsak, Andrew Piel, and Maurice Barksdale

NAYS: Kevin McGlaun, Brandon Hill, Charla Hawkes Vinyard, Suzanne Key, and Michael Forbes

ABSTAIN: None

FAILED 4-5-0

Kevin McGlaun made a motion to approve Zoning Case SUP10-20. Seconded by Brandon Hill, the motion carried with the following vote:

AYES: Kevin McGlaun, Brandon Hill, Charla Hawkes Vinyard, Suzanne Key, and Michael Forbes

NAYS: Victor Vandergriff, Jeff Pokrifcsak, Andrew Piel, and Maurice Barksdale

ABSTAIN: None

APPROVED 5-4-0

Itemized Allowable Uses



Allowable Uses:

“CS” (Community Service)

Permitted - Nursing home, supervised living facility, crop production, public park, playground or golf course, country club with golf course, yacht club or marina, catering service, cleaning laundry, copy center, restaurant, sidewalk café, antique shop, second hand goods, rental store, retail gun sales, boat accessory sales, rental, and service, specialty paraphernalia, general retail store, tattoo parlor, massage therapy, auto parts and accessory sales, radio or TV studio, bail bond service, swimming pool, spa and accessory sales and service, church, day care, public or private school, college, university or seminary, business school, government facility, museum or art gallery, philanthropic institution, private club, lodge or fraternal organization, hospital, mortuary or funeral chapel, women’s shelter, electric utility substation, transit passenger shelter, utility lines, towers or metering station, accessory caretakers quarters, and customarily incidental.

Specific Use Permit (SUP) – Motel, residences hotel/motel, night club, gun range (indoor), commercial parking, mini-warehouse, medical or scientific research lab, psychiatric hospital, halfway house, airport, heliport or landing field, transit passenger terminal, utility installation, and gas drilling.

Special Exception (SE) - Temporary asphalt or concrete batch plant, temporary carnival, circus or amusement ride, and temporary sand or gravel extraction.

Conditions (C) - Full service hotel, teen club, banquet hall, wedding chapel, bingo parlor, bowling alley, billiards, indoor theatre, skating rink, recreation-inside, nursery, garden shop or plant sales, building and landscape materials and lumber sales, large scale retail, alcohol sales, auto service, gasoline sales, car wash, vehicle rental, veterinary clinic, custom craft work, wholesale supply business, food processing, recycling center, wrecker service, wireless telecommunications facilities, temporary construction field office, temporary construction storage yard, accessory garage-private, accessory outside display and sales, and accessory outside storage.

SUP10-20

Specific Use Permit for Mini-warehouse
West of Little Road and north of Poly Webb Road



View of existing retail development. View north.



View of adjacent boat and RV storage facility. View north.



View of adjacent residential property along Church Street frontage. View east.



Comprehensive view of site. View east.